

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

On page 2, the Examiner rejected claims 1, 2 and 8 under 35 U.S.C. §102(b) as being anticipated by Zownir, stating that Zownir discloses the claimed structure and may be used in the same way and for the same purposes.

The invention disclosed in Zownir does not anticipate applicant's invention, nor can it be used in the same way and for the same purposes as applicant's invention. Zownir discloses a tool which comprises a two-piece body, with a sleeve having a bore, and a removable cap which can be threaded over the sleeve after it is placed on the cue stick. The tool is used "for squaring a cue stick ferrule prior to glueing a cue tip thereto and shaping the tip after the tip has been secured to the ferrule." (Col. 1, ll. 63-66). The present invention, on the other hand, is an assembled, unitary cap which protects the cue tip from damage. It does not actually engage and abrade the tip. The removable "cap" in Zownir is not the knob of the present invention. Applicant's knob, which is attached to the outer end of the sleeve, extends away from the end of the cue tip, not over it. The knob provides a grip to put the cue tip cap on the cue stick and to pull it off; further, it provides a "spacer" when the cue stick is stored in a case.

Nonetheless, applicant has amended claim 1 to more clearly claim the subject matter of his invention. Claim 1, as amended, should be allowable over Zownir. Claims 2 and 8, which depend on claim 1, which has been amended to be allowable, should be allowable as well.

On page 2, the Examiner rejected claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over Zownir in view of Davis *et al.* Applicant would point out that Zownir

contains no suggestion for using grooves/splines; as shown in the drawings, the invention must fit tightly onto the end of the cue stick for the tool to work. In any event, claims 3 and 4 depend on claim 2, which should be allowable as depending on claim 1, which has been amended to be allowable. Claims 3 and 4 should be allowable as well.

On page 2, the Examiner rejected claims 5, 6, 10, 11, and 12 under 35 U.S.C. §103(a) as being unpatentable over Kuo.

The invention disclosed in Kuo does not make applicant's invention obvious, even if the cane were cylindrical. Kuo discloses a hollow body which can hold an entire cue stick. Further, the portion of the invention to which the Examiner refers is merely a "copper head member 2 adapted to come in threaded engagement with the fore end . . . of body 1" (Col. 2, ll. 3-5), the hollow cane for holding a cue or another item. Kuo does not disclose a sleeve which covers only the end of the cue stick, and which can be pushed on or pulled off the cue stick. In any event, claims 5, 6, 9 and 10 depend on claim 1, which has been amended to be allowable. Claims 5, 6, 9 and 10 should be allowable as well. Further, claim 11 has been amended to more closely define the subject matter of applicant's invention (and to correct some informalities) and, as amended, should be allowable over Kuo. Claim 12, which depends on claim 11, should be allowable as well.

On page 3, the Examiner rejected claims 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over Kuo in view of Davis. Applicant would point out that Kuo contains no suggestion for using grooves/splines; as shown in the drawings, the head member 2 is attached to a hollow cane. Kuo's device neither slides over nor rests on the cue, as suggested by the Examiner, and grooves/splines would serve no purpose on the inside of the cane. In any event, claims 13 and 14 depend on claim 12, which should be allowable

as depending on claim 11, which has been amended to be allowable. Claims 13 and 14 should be allowable as well.

On page 3, the Examiner indicated that claims 7 and 15 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten. Applicant has amended claim 1, upon which claim 6 depends (claim 7 depending on claim 6), to be allowable; further, applicant has amended claim 11, upon which claim 15 depends, to be allowable. Claims 7 and 15 should be allowable as well.

In light of the foregoing arguments, and upon entry of the amendments, allowance of claims 1 through 15 should be in order and is respectfully requested.

Date: March 11, 2005

Respectfully submitted,



Mary J. Gaskin
Attorney for Applicant
Registration No. 30,381
2170 Buckthorne Pl., Suite 220
The Woodlands, TX 77380
Phone: (281) 363-9121
Fax: (281) 363-4066

C:\A&G\Patents\grandin\roa